

## THE LAW OFFICE OF BRIAN T. STAPLETON, ESQ.

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March 16, 2020

### **APPLICATION FOR ISSUANCE OF DEFAULT JUDGMENT**

#### **Via ECF Filing**

The Hon. Sandra J. Feuerstein  
United States District Court for the Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

In Re: Carl Semencic v County of Nassau, et al.  
Case No.: 2:18-cv-05244-SJF-AKT

Your Honor:

This office represents the Plaintiff Carl Semencic in the above-referenced case.

On Wednesday, February 4, 2020 Your Honor ordered co-defendants the County of Nassau, the Nassau County Police Department and NCPD Commissioner Patrick J. Ryan to return to Mr. Semencic within thirty (30) days all of the firearms seized from his home by their employees on July 19, 2016. Pursuant to your Order, these co-defendants were required to return Mr. Semencic's firearms to him by no later than Thursday, March 5, 2020.

On Wednesday, March 11, 2020, upon learning that these co-defendants had willfully violated your Order, you granted my motion to strike their Answer and, further, you granted my motion for entry of default against them. On Friday, March 13, 2020, Your Honor issued a Minute Entry directing this office to submit a proposed judgment to the Court.

Accordingly, please consider this letter an Application for Issuance of Default Judgment made pursuant to Fed. R. Civ. P. 55(b)(2) and Loc. Civ. R. 55.2(b).

A Proposed Default Judgment is being submitted herewith, as is the Affirmation of Brian T. Stapleton, Esq., dated March 16, 2020 (with attached exhibits). This Affirmation and the exhibits attached thereto explain and detail the damages due to the Plaintiff against the Defaulted Defendants.

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Since default has been entered by the Court following its' striking of the Defaulted Defendants' Answer, the requirements of Fed. R. Civ. P. 55(a) and Loc. Civ. R. 55.1 (*i.e.*, that a Certificate of Default must be entered by the Clerk of Court before a Default Judgment can be entered this Court) are inapplicable to the instant proceeding. Accordingly, Plaintiff respectfully requests that the Court waive these requirements in the Default Judgment to be issued here.

Thank you very much for your consideration.

Respectfully Submitted,

The Law Office of Brian T. Stapleton, Esq.

*Brian T. Stapleton*

By: Brian T. Stapleton, Esq.

BTS/ma

encl.

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